

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**



**BRENDAN LINEHAN SHANNON  
JUDGE**

**824 N. MARKET STREET  
WILMINGTON, DELAWARE  
(302) 252-2915**

April 28, 2023

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RE: In re: Lear Capital, Inc.  
Case No. 22-10165 (BLS)

Dear Counsel:

This letter follows upon a hearing held on April 26, 2023 in the above matter. The issue before the Court is whether the Debtor's proposed plan must include forward-looking financial projections. The governing statute is 11 U.S.C. § 1190(1)(c), which only requires "projections with respect to the ability of the debtor to make payments under the proposed plan of reorganization." Here, the Debtor's plan will be funded in full on the effective date, and is not dependent on the Debtor's post-confirmation performance.

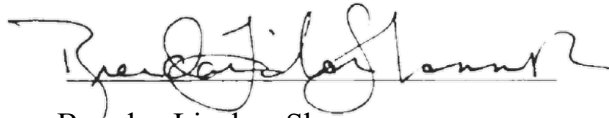
The Debtor's plan conforms to the requirements of § 1190(1)(c). The Court will not require additional disclosure or information to be included in the plan. In so ruling, the Court acknowledges that forward projections are usually a standard disclosure item in Chapter 11 cases, but the rather unusual plan structure here arguably renders them superfluous. The Court also accords significance to

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the support for the plan expressed by the Committee and by the various states, who all participated in a successful judicial mediation.<sup>1</sup>

The Court will enter an order approving solicitation procedures consistent with this letter and the Court's rulings at the April 26 hearing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brendan Linehan Shannon", written over a horizontal line.

Brendan Linehan Shannon  
United States Bankruptcy Judge

BLS/jmw

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<sup>1</sup> The Sub V Trustee expressed concern that the Debtor might seek non-consensual confirmation under 11 U.S.C. 1191(b), in which case the future performance of the Debtor might be relevant. The Debtor has represented that it has no intention or expectation to seek non-consensual confirmation.